

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CHRISTIE SCARBOROUGH,)
Plaintiff,) Case No. 5:23-cv-11
v.) By: Michael F. Urbanski
WILLIAM "BILL" WILEY, et al.,) Chief United States District Judge
Defendants.)

ORDER

This matter was referred to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation ("R&R") on November 13, 2023, ECF No. 39, recommending that the court grant defendants's motions to dismiss, ECF Nos. 21, 26, but grant plaintiff Christie Scarborough leave to amend her complaint.

In the absence of a specific, proper, and timely filed objection, a court reviews an R&R only for "clear error" and need not give any explanation for adopting the R&R. Carr v. Comm'r of Soc. Sec., No. 3:20-cv-00425-FDW-DSC, 2022 WL 987336, at *2 (W.D.N.C. Mar. 31, 2022) (citing Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) and Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983)). See also Laurie D. v. Saul, No. 1:20-cv-831 (RDB/TCB), 2022 WL 1093265, at *1 (E.D. Va. Apr. 11, 2022) (quoting Lee v. Saul, No. 2:18-cv-214, 2019 WL 3557876, at *1 (E.D. Va. Aug. 5, 2019)) ("In the event a plaintiff's 'objections' merely restate her prior arguments, the Court 'need only review the Report and Recommendation using a 'clear error' standard.'") Thus, in the absence of an

objection, a court need “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quoting Fed. R. Civ. P. 72 advisory committee’s note).

No objections have been timely filed to this R&R. The court has reviewed the R&R and is satisfied that there is no clear error.

In accordance with the foregoing, the court hereby **ADOPTS** the Report and Recommendation of the magistrate judge, ECF No. 39, in its entirety. Defendants’s Motions to Dismiss, ECF Nos. 21, 26, are **GRANTED**. Scarborough may file an amended complaint within thirty (30) days of this order. If an amended complaint is not filed within that time, the Clerk is **DIRECTED** to strike this case from the docket of the court.

It is **SO ORDERED**.

Entered: December 1, 2023



Michael F. Urbanski
Chief United States District Judge